

### REMARKS

Claims 1, 2, 6-10, 12, 14, 16, 20 and 21 are pending. Claims 1, 6-8, 10, 12 and 16 have been amended. Claims 3-5, 11 and 17-19 have been cancelled without prejudice. Claims 1, 10, 12 and 16 are the only independent claims.

Claims 7-8 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Those claims have been amended without narrowing their scope. The amendments are believed to address to the antecedent basis issues pointed out in the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1, 3 and 9 were rejected under 35 U.S.C. § 103 over Ye et al. (“On Joint Protection/Restoration in IP-Centric DWDM-Based Optical Transport Networks”) in view of Li et al. (“Dynamic Wavelength Routing Using Congestion and Neighborhood Information”). Claims 2, 4-5, 7, 10-12, 14 and 16-20 were rejected under 35 U.S.C. § 103 over Ye et al. in view of Li et al., and further in view of U.S. Patent 5,815,490 (Lu). Claim 6 was rejected under 35 U.S.C. § 103 over Ye et al. in view of Li et al., and further in view of U.S. Patent Publication 2002/0080437 (Sparks et al.). Claim 8 rejected under 35 U.S.C. § 103 over Ye et al. in view of Li et al., and further in view of Ramamurthy et al.

Amended claim 1 is directed to a ring configuration method in a mesh network consisting of a plurality of nodes, each of the nodes having a cross-connecting function, wherein a ring network (referred to as “a ring”) comprising a working path and a stand-by path is configured dynamically in response to a request for setting the working path. The mesh network is a WDM (Wavelength Division Multiplex)-based optical fiber communication network.

If a new ring to be configured is identical to an existing ring using the same wavelength as that of the new ring, the same node numbers as node numbers locally assigned to nodes in the existing ring are assigned to the corresponding nodes to each node of the existing ring in the new ring, and if the new ring crosses or is adjacent to the existing ring using in the same wavelength, local node numbers different from those of the nodes in the existing ring are assigned to the nodes in the new ring.

The Office Action, in the rejection of claims 4-5 (the features of which are now incorporated in amended claim 1), took the position that the feature described in the foregoing paragraph is taught in Lu. In particular, the Office Action took the position that “Lu teaches in FIG. 4A that a ring has a ring ID and teaches in FIG. 4D that a node has a node ID.” The Office Action goes on to say: “[i]n a situation where a node belongs to a plurality of rings, it is obvious to use the ring ID together with the node ID to identify a node. That is, if a node belongs to the same ring, it has the same ring ID/node combination. For two different rings, a node common to the two rings has different ring ID/node ID combinations.” See Office Action at page 4.

First, merely teaching a ring ID and a node ID is not at all the same as teaching that if a new ring to be configured is identical to an existing ring using the same wavelength as that of the new ring, the same node numbers as node numbers locally assigned to nodes in the existing ring are assigned to the corresponding nodes to each node of the existing ring in the new ring, and if the new ring crosses or is adjacent to the existing ring using in the same wavelength, local node numbers different from those of the nodes in the existing ring are assigned to the nodes in the new ring, as is claimed. In order to set forth a prima facie case of obviousness, each feature must be taught or suggested in the combination of references. Applicant finds no suggestion in Lu of this specific limitation.

Second, the statement, at page 4, lines 10-13, of the feature the Office Action considers to be obvious does not correspond to what is recited. The Office Action states that it would be obvious “to use the ring ID together with the node ID to identify a node. That is, if a node belongs to the same ring, it has the same ring ID/node combination. For two different rings, a node common to the two rings has different ring ID/node ID combinations.”

However, this is not what is recited in amended claim 1. In claim 1, if a *new ring* to be configured is identical to an existing ring using the same wavelength as that of the new ring, the same node numbers as node numbers locally assigned to nodes in the existing ring are assigned to the corresponding nodes to each node of the existing ring in the new ring. Further, if the new ring crosses or is adjacent to the existing ring using in the same wavelength, local node numbers different from those of the nodes in the existing ring are assigned to the nodes in the new ring. There is no teaching or suggestion of this feature in Lu. For at least this additional reason, amended claim 1 is believed clearly distinguishable over the cited art.

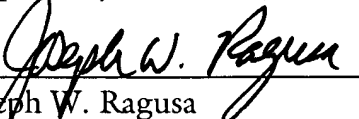
Each of other independent claims recites a substantially similar feature and is believed to distinguish over the cited art for at least the same reasons. The other references do not remedy the above-mentioned deficiency of the art discussed above as references against the independent claims.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Dated: September 26, 2006

Respectfully submitted,

By 

Joseph W. Ragusa

Registration No.: 38,586

DICKSTEINSHAPIRO LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant